



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 12, 2009

Bureau of Land Management
Timber Mountain DEIS-Comments
3040 Biddle Road
Medford, OR 97504

**RE: U.S. Environmental Protection Agency (EPA) review and comments for the Bureau of Land Management's (BLM) Draft Timber Mountain Recreation Management Plan (TMRMP) Environmental Impact Statement (EIS).
EPA Project Number: 03-012-BLM**

Dear Mr. Reuwsaat:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an EC-2 (Environmental Concerns, Insufficient Information) rating to the Draft EIS. A copy of the EPA rating system is enclosed.

Although we have assigned an EC-2 rating to the Draft EIS we believe the TMRMP is a good opportunity to achieve important environmental benefits. A combination of human activities, including over 40 years of unrestricted OHV use, has resulted in poorer quality habitat for aquatic species (including Coho and steelhead), sensitive plants (including the endangered *Fritillaria gentneri*) and terrestrial wildlife. OHV route reductions (especially on granitic and ravel prone soils) and suite of protective Project Design Features (PDFs) are some of the elements by which this project provides opportunities for environmental benefits.

While all of the action alternatives promise increased environmental protection in comparison to the no-action alternative we believe the Draft EIS contains insufficient information related to implementation and adaptive management planning. Without additional information on this and related topics in the Final EIS and Record of Decision (ROD) we are unsure that the action alternatives' predicted environmental benefits will be fully realized. If predicted environmental benefits are not fully realized then the project may not meet the 2008 Medford District Resource Management Plan's (RMP) directive to manage OHV use in a manner that protects resources.

To address our environmental and informational concerns and help to ensure that resources are protected this letter provides a series of recommendations to assist the BLM's development of an integrated Implementation and Adaptive Management Plan (Plan). We suggest that this plan be a part of any proposed action alternative and include additional details and discussion about (i) implementation monitoring and PDFs, (ii) education and enforcement,

(iii) effectiveness monitoring and adaptive management and (iv) collaboration. We also recommend that the Final EIS consider the water quality benefits of eliminating the development of Staging Area 6 – it is located within two Riparian Reserves – and incorporate two additional PDFs for Staging Area Development.

Thank you for this opportunity to comment on the Proposed Action and if you have any questions please contact Erik Peterson of my staff at (206) 553-6382 or by email at peterston.erik@epa.gov.

Sincerely,

/s/

Christine B. Reichgott, Manager
Environmental Review and Sediment
Management Unit

Enclosures:

EPA Region 10 Detailed Comments Draft Timber Mountain Recreation Management Plan EIS
EPA Rating System for Draft EISs

EPA REGION 10 DETAILED COMMENTS DRAFT TIMBER MOUNTAIN RECREATION MANAGEMENT PLAN EIS

Implementation and Adaptive Management Plan (Plan)

EPA believes the Draft EIS does not contain sufficient information to fully assess environmental impacts. Without additional information about and/or the development and discussion of an integrated and comprehensive Implementation and Adaptive Management Plan we are unsure that the Draft EIS's predicted environmental benefits will be fully realized. Our implementation and adaptive management planning comments and recommendations pertain to all of the action alternatives and are detailed below.

Implementation Monitoring and Project Design Features

We believe that the project's PDFs need to be better integrated into a detailed implementation plan. For example, the first PDF for Objective 4 of the Trail Management PDFs, "All OHVs will be free of all soil and vegetative material before entering the OHV management area" has clear potential environmental benefits. Namely, this PDF would greatly reduce the risk of OHVs introducing new noxious weeds – a key threat to ecosystem sustainability - into the project area. This and other PDFs, however, do not uniformly have implementation measures and adaptive management feedback mechanisms. In the instance of the above noxious weed prevention PDF we are unsure how all OHVs will become free of all soil and vegetative material before entering the OHV management area. Potential Plan measures related to this PDF might include elements such as, 'OHV wash stations will be installed at all staging areas within 5 years. If a staging area does not have a wash station in 5 years it will be closed until one is installed.' The implementation plan for each PDF should provide reasonable assurance that required activities will occur.

Recommendation:

We recommend that the Final EIS integrate PDFs into an implementation and adaptive management plan. This plan should discuss how PDFs will be prioritized, scheduled, funded and monitored. Please also include decision thresholds and management responses (See Monitoring and Adaptive Management section below). We are particularly interested in additional implementation and adaptive management information for the following PDFs.

- "Inventories would occur annually to identify and schedule ongoing trail maintenance needed to ensure resource protection and rider safety."
- "A sign plan will be implemented to adequately sign trail and road intersections and shared use roads."
- "Adjust or reconstruct existing stream crossings on managed trails to stabilize stream banks, channel bottom configurations, and reduce sediment delivery to streams. This may include, but is not limited to, realignment of the crossing to avoid paralleling the stream course; hardening the crossing with surfacing recommended by a watershed specialist; installation of bridges or boardwalks, and the use of erosion control measures to stabilize streambanks adjacent to the trail (e.g. rock rip-rap, vegetation plantings, seeding, approved mulch material etc.)."

- “Adjust or reconstruct trails impacting springs, seeps, or wetlands to reduce or eliminate the effects of the trail. This may include, but is not limited to, realignment of the trail to avoid wetlands, springs, or seeps, or the installation of bridges, tread blocks, or boardwalks.”
- “Trails not identified for management would be decommissioned and the natural stream gradient and streambank would be re-established.”
- “Trails over 20 percent incline or decline will be treated to harden the surface. Techniques include but are not limited to tread blocks, rock surfacing, or soil amendments. Other techniques which meet the objective of reducing rutting and erosion will be used as needed.”
- “Required Site-Specific Project Design Feature to Protect Special Status Plant Species.” (Draft EIS, p. 44-49)

To the above list of PDFs which we particularly although not exclusively recommend for detailed integration into the Plan we suggest the addition of an amended Riparian Protection PDF #4, “Design new trail to avoid stream channel crossings where possible.” (Draft EIS, p. 45). We believe new stream crossings have a high likelihood of degrading aquatic habitat by increasing sediment input. To reduce sediment input to streams and remain consistent with this project’s second decision factor – the improvement of water quality through reduced sedimentation – we recommend that Riparian Protection PDF #4 be amended to read, “Design new trails to avoid stream channel crossings.” Eliminating instead of limiting the addition of any trail stream crossing will reduce the likelihood of additional sediment input to streams.

Education and Enforcement

We believe that the Draft EIS needs to better describe the District’s implementation plans for educating OHV users about the TMRMP and enforcing associated restrictions. According to the Draft EIS, “Extensive use and inadequate signage hampers the effectiveness of current law enforcement patrols” (Draft EIS, p. 228). We are concerned that extensive use, inadequate signage and other compliance challenges will persist during the implementation of an action alternative. Without compliance the TMRMP’s predicted environmental benefits will not be realized.

Recommendations:

To increase TMRMP compliance we recommend that the Final EIS include additional information on the implementation plan’s public education strategy and consider elements for education and enforcement not currently in the Draft EIS. We suggest, for example, integrating specific goals and objectives for the Trail Ranger Program¹ and a detailed signage plan² into the implementation plan if appropriate.

¹ Consider, for instance, the following questions: How many volunteer, or BLM, Trail Rangers are needed to meet a minimum law enforcement coverage standard? What opportunities for increasing Trail Rangers volunteerism exist with local OHV user groups? Could the District enter into a formal agreement with OHV user groups, local citizen groups or interest groups to supply certain numbers of Volunteer Trail Ranger hours?

² Consider, for instance, the following questions: How many signs are necessary? At what cost? Do adequate resources currently exist? How should the signs be prioritized – by use level or by resource risk? Should the signs

Collaboration

The Draft EIS states that, "no cooperative agreements among landowners exist to facilitate the coordination of management and enforcement of proper OHV use across land ownerships." We believe that without cooperative agreements with adjacent landowners and others the restoration of aquatic habitat (including Coho Critical Habitat) within and downstream of the Timber Mountain planning area will not be effective. Continuing sediment input to streams from dense networks of trails on private lands, like those on pockets of granitic sand in the upper reaches of Kane Creek, will limit the environmental benefits of trail decommissioning on public lands.

Recommendation:

We recommend that the Final EIS disclose the opportunities and obstacles for collaborative agreements with adjacent private landowners, citizen groups, government agencies, universities and research organizations. We believe these agreements have reasonably foreseeable environmental consequences.³

The Final EIS and/or ROD should also discuss a public volunteer strategy with possible formal partnerships with relevant interest groups. Formal agreements with these groups may facilitate PDF implementation assistance, monitoring, education and self-enforcement. Collaboration with environmental and local citizen groups offers further opportunities.

We also recommend that the Final EIS briefly discuss collaboration opportunities with relevant government agencies (local, county, state and federal levels) and universities or research groups. Government and research collaboration may be particularly useful for enforcement and monitoring. Enforcement collaboration (e.g. the Oregon ATV Grant Program) is already well described in the Draft EIS. Monitoring elements where collaboration may be possible, however, is not as well described. Certain effectiveness monitoring projects may be of interest to Universities or research groups and their potential input to adaptive management may be a useful component of a cost-effective monitoring strategy.

Effectiveness Monitoring and Adaptive Management

The EPA endorses the concept of adaptive management whereby effects of implementation activities are determined through monitoring (e.g. ecological and environmental effects). We are concerned that the Draft EIS does not discuss adaptive management. We believe an integrated and comprehensive adaptive management plan is a necessary part of ensuring long term environmental sustainability.

incorporate environmental education? If so, what examples of OHV signage exist where navigation messages (e.g. what trail or road is this?) are combined with environmental messages (e.g. "off-trail travel degrades the environment by eliminating habitat for sensitive plants and decreasing water quality for fish")?

³ For example, if a landowner refuses to limit access from their land to a sensitive resource on public land and the BLM does not have the resources to build and enforce sufficient closures, then risk to that resource from OHV use is much higher than it would be if an appropriate cooperative agreement was established.

Recommendations:

We recommend that an adaptive management plan be developed and discussed in the Final EIS. This adaptive management plan should:

- differentiate between implementation and effectiveness monitoring,⁴
- describe a decision tree to guide future decisions,
- identify specific decision thresholds and management responses for resources of concern (e.g. fish, wildlife and sensitive plants),
- discuss the monitoring needed to assess whether thresholds are being met, and
- forecast funding opportunities and constraints for the monitoring.

For further background and guidance relating to adaptive management see, for example, Forest Service Handbook 2509.22 Chapter 10⁵ and the adaptive management chapter of the Idaho Forestry Program Document⁶.

We recommend that the contribution of OHVs to sedimentation of streams be highly prioritized in any implementation and adaptive management planning. Providing a management trigger related to water quality standards for sediment may be a useful method for ensuring benefits to fish are realized.

Staging Area Development and Improvement

EPA supports the development of staging areas for OHV use. When riders use road turnouts, flat areas, and wide intersections as parking and unloading areas resource protection considerations may or may not be taken into account. Channeling OHV staging into developed areas will help to focus the dissemination of user information and regulations. We remain concerned that the TMRMP proposes to develop Staging Area No. 6 within the Riparian Reserve of both the Right Fork of Forest Creek and a small intermittent stream channel. We are also concerned that the Applicable Staging Area Maintenance, Construction, Reconstruction PDFs may not fully protect against soil erosion.

Recommendations:

We recommend that the Final EIS consider the environmental benefits, if any, of eliminating Staging Area No. 6 from the action alternatives. We recognize that certain restoration activities, including resurfacing and the planting of native vegetation, may have environmental benefits.

⁴ Some of the monitoring elements on page 49 of the Draft EIS are for implementation monitoring – e.g. 1, 2, 5 and 6 – and should be categorized as such. Other monitoring elements are effectiveness monitoring – e.g. 3 and 4. Implementation monitoring is used to determine how a plan is being implemented (e.g. Are OHVs still traveling on a closed trail?). Effectiveness monitoring is used to determine whether the plan is having predicted results for resources (e.g. Are lichen communities near trails being impacted by air pollution from OHV use?).

⁵ See 10.40 at http://www.fs.fed.us/im/directives/field/r4/fsh/2509.22/2509.22_10.txt

⁶ See especially "Table I.I-1 The IFP implementation framework" and related text at http://www.idl.idaho.gov/eis/idaho_forestry_program_doc/SecI_I_AdaptiveManagement_011209.pdf.

We also recommend additional Applicable Staging Area Maintenance, Construction, Reconstruction PDFs. These additional PDFs include elements already mentioned on pages 39 and 40 of the Draft EIS. Additional staging area development elements we recommend become PDFs include:

- The installation of information board(s) to post maps, regulations, and other user information would occur at each staging area.
- Natural barriers such as large rocks will be placed along staging area borders to contain vehicle to the site.

Informing users of OHV regulations through information boards and trail maps as well as mitigating the impact of parking and unloading at staging areas is a necessary component of managing predicted use increases.

Climate Change Adaptation

EPA believes that increased CO₂ and other Greenhouse Gas concentrations will increase the number of warm days and change the amounts and seasonal distributions of rainfall and snowpack. These changes will likely lead to impacts such as altered water quantity, quality (e.g. temperature) and timing of waterflow; increased opportunities for warm weather recreation; and, potential increases for invasive species resistance to mitigation measures⁷.

Recommendation:

We recommend that the Final EIS include a section on anticipated impacts and responses to climate change related to the TMRMP. EPA believes that promoting resilience to climate change by protecting biodiversity and habitat connections are especially important adaptation strategies. We believe the U.S. Forest Service reference document, "SAP 4.4. Adaptation Options for Climate-Sensitive Ecosystems and Resources | National Forests" provides useful background and resources for addressing climate change adaptation in the western United States.⁸

⁷ http://www.ars.usda.gov/research/publications/Publications.htm?seq_no_115=134271

⁸ <http://www.climate-science.gov/Library/sap/sap4-4/final-report/sap4-4-final-report-Ch3-Forests.pdf>

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987